



General Assembly

February Session, 2008

Raised Bill No. 354

LCO No. 1691

* ____SB00354TRA__040308__ *

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

***AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS'
RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE PUBLIC
SAFETY STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-22a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 Intrastate Mutual Aid Compact.

5 Article I. Purposes

6 This compact shall be known as the Intrastate Mutual Aid Compact
7 and is made and entered into by and between the participating
8 political subdivisions of this state. The purpose of this compact is to
9 create a system of intrastate mutual aid between participating political
10 subdivisions in the state. Each participant of this system recognizes
11 that emergencies transcend political jurisdictional boundaries and that
12 intergovernmental coordination is essential for the protection of lives
13 and property and for best use of available assets. The system shall
14 provide for mutual assistance among the participating political

15 subdivisions in the prevention of, response to, and recovery from, any
16 disaster that results in a declaration of a local civil preparedness
17 emergency in a participating political subdivision, subject to that
18 participating political subdivision's criteria for declaration. The system
19 shall provide for mutual cooperation among the participating
20 subdivisions in conducting disaster-related exercises, testing or
21 training activities.

22 **Article II. General Provisions**

23 (1) For purposes of this compact: (A) "Participating political
24 subdivision" means each political subdivision of the state whose
25 legislative body has not adopted a resolution withdrawing from this
26 compact in accordance with the provisions of this article; and (B) "chief
27 executive officer" means the elected or appointed officer granted the
28 authority to declare a local civil preparedness emergency by the
29 charter or ordinance of his or her political subdivision.

30 (2) On and after October 1, 2007, each political subdivision within
31 the state shall automatically be a participating member of this compact.
32 A participating political subdivision may withdraw from this compact
33 by adopting a resolution indicating its intent to do so. The political
34 subdivision shall automatically be deemed to have withdrawn from
35 this compact upon adoption of such a resolution. The chief executive
36 officer of such political subdivision shall submit a copy of such
37 resolution to the Commissioner of Emergency Management and
38 Homeland Security not later than ten days after the adoption of the
39 resolution. Nothing in this article shall preclude a participating
40 political subdivision from entering into a supplementary mutual aid
41 agreement with another political subdivision or affect any other inter-
42 local municipal agreement, including any other mutual aid agreement,
43 to which a political subdivision may be a party or become a party.

44 (3) In the event of a serious disaster affecting any political
45 subdivision of the state, the chief executive officer of that political
46 subdivision may declare a local civil preparedness emergency. The

47 chief executive officer of such political subdivision shall notify the
48 Commissioner of Emergency Management and Homeland Security of
49 such declaration not later than twenty-four hours after such
50 declaration. Such a declaration shall activate the emergency plan of
51 operations of that political subdivision, as established under
52 subsection (a) of section 28-7 of the 2008 supplement to the general
53 statutes, and authorize the request or furnishing of aid and assistance,
54 including any aid and assistance provided under the intrastate mutual
55 aid system described in this section. No immunity, rights or privileges
56 shall be provided for any individual who self-dispatches in response to
57 a declaration, without authorization by such individual's participating
58 political subdivision.

59 Article III. Responsibilities
60 of the Local and Joint Organizations
61 of Participating Political Subdivisions

62 The participating political subdivisions shall ensure that the duties
63 of their local or joint organizations, as described in subsection (a) of
64 section 28-7 of the 2008 supplement to the general statutes, include the
65 following:

66 (1) Identifying potential hazards that could affect the participating
67 political subdivisions using an identification system common to all
68 participating jurisdictions;

69 (2) Conducting of joint planning, intelligence sharing and threat
70 assessment development with contiguous participating political
71 subdivisions, and [conduct] conducting joint training at least
72 biennially;

73 (3) Identifying and inventorying the current services, equipment,
74 supplies, personnel and other resources related to planning,
75 prevention, mitigation, response and recovery activities of the
76 participating political subdivisions; and

77 (4) Adopting and implementing the standardized incident
78 management system approved by the Department of Emergency
79 Management and Homeland Security.

80 Article IV. Implementation

81 Any request for assistance made by the chief executive officer of a
82 participating political subdivision who has declared a local civil
83 preparedness emergency shall be made to the chief executive officers
84 of other participating political subdivisions or their designees.
85 Requests may be oral or in writing, and shall be reported to the
86 Commissioner of Emergency Management and Homeland Security not
87 later than twenty-four hours after the request. Oral requests shall be
88 reduced to writing not later than forty-eight hours after the request.

89 Article V. Conditions

90 A participating political subdivision's obligation to provide
91 assistance in the case of a declared local civil preparedness emergency
92 is subject to the following conditions:

93 (1) A participating political subdivision shall have declared a local
94 civil preparedness emergency;

95 (2) A responding participating political subdivision may withhold
96 or recall resources to the extent it deems necessary to provide
97 reasonable protection and services for its own jurisdiction;

98 (3) Personnel of a responding participating political subdivision
99 shall continue under the command and control of their responding
100 jurisdiction, including emergency medical treatment protocols,
101 standard operating procedures and other protocols, but shall be under
102 the operational control of the appropriate officials within the incident
103 management system of the participating political subdivision receiving
104 assistance; and

105 (4) Assets and equipment of a responding participating political
106 subdivision shall continue under the control of the responding

107 jurisdiction, but shall be under the operational control of the
108 appropriate officials within the incident management system of the
109 participating political subdivision receiving assistance.

110 Article VI. Licenses, Certificates and Permits

111 (1) If a person or entity holds a license, certificate or other permit
112 issued by a participating political subdivision or the state evidencing
113 qualification in a profession, mechanical skill or other skill, and the
114 assistance of that person or entity is requested by a participating
115 political subdivision, such person or entity shall be deemed to be
116 licensed, certified or permitted in the political subdivision requesting
117 assistance for the duration of the declared local civil preparedness
118 emergency, subject to any limitations and conditions as may be
119 prescribed by the chief executive officer of the participating political
120 subdivisions, by executive order or otherwise; or by the person or
121 entity's sponsor hospital.

122 (2) The officers, members and employees of the responding political
123 subdivision, including, but not limited to, public works personnel,
124 [firefighting] firefighters, police or other assigned personnel rendering
125 aid or assistance pursuant to the compact and this section shall have
126 the same duties, rights, privileges and immunities as if they were
127 performing their duties in the responding political subdivision.

128 Article VII. Reimbursement

129 (1) Participating political subdivisions shall maintain
130 documentation of all assets provided. In the event of federal
131 reimbursement to a requesting political subdivision, any political
132 subdivision providing assistance under the compact and this section
133 shall receive its appropriate share of said reimbursement.

134 (2) A participating political subdivision may donate assets of any
135 kind to a requesting participating political subdivision. Unless
136 requested in writing, no reimbursement shall be sought by a
137 responding political subdivision from a requesting political

138 subdivision that has declared a local civil preparedness emergency.
 139 Any written request for reimbursement must be made not later than
 140 thirty calendar days after the response, except that notice of intent to
 141 seek reimbursement shall be given at the time the aid is rendered, or as
 142 soon as possible thereafter.

143 (3) Any dispute between political subdivisions regarding
 144 reimbursement shall be resolved by the parties not later than thirty
 145 days after written notice of the dispute by the party asserting
 146 noncompliance. If the dispute is not resolved within ninety days of the
 147 notice of the claim, either party may request that the dispute be
 148 resolved through arbitration. Any such arbitration shall be conducted
 149 under the commercial arbitration rules of the American Arbitration
 150 Association.

151 Article VIII. Liability

152 For the purposes of liability, all persons from a responding political
 153 subdivision under the operational control of the requesting political
 154 subdivision are deemed to be employees of the responding political
 155 subdivision. Neither the participating political subdivisions nor their
 156 employees, except in cases of wilful misconduct, gross negligence or
 157 bad faith, shall be liable for the death of or injury to persons or for
 158 damage to property when complying or attempting to comply with the
 159 intrastate mutual aid system.

160 Sec. 2. Subdivision (1) of subsection (a) of section 29-6c of the 2008
 161 supplement to the general statutes is repealed and the following is
 162 substituted in lieu thereof (*Effective from passage*):

163 (1) "Alarm system" means an assembly of equipment and devices
 164 arranged to signal the presence of a hazard such as unauthorized
 165 intrusion into a premises, an attempted robbery or a fire or smoke
 166 condition at a premises requiring urgent attention and to which the
 167 Division of State Police is expected to respond, including, but not
 168 limited to: Automatic holdup alarm systems, burglary [alarms system]
 169 alarm systems, holdup alarm systems, manual holdup alarm systems,

170 audible alarm systems and fire alarm systems. "Alarm system" does
171 not mean a system that monitors temperature or is designed solely for
172 notification of medical emergencies.

173 Sec. 3. Subdivision (1) of subsection (a) of section 29-15 of the 2008
174 supplement to the general statutes is repealed and the following is
175 substituted in lieu thereof (*Effective from passage*):

176 (a) (1) Except as provided in subdivision (2) of this subsection,
177 whenever any person, having no record of prior criminal conviction,
178 whose fingerprints, photograph and physical description are filed with
179 the State Police Bureau of Identification in accordance with section 29-
180 12 has been found not guilty of the offense charged, or has had such
181 charge dismissed or nolle, such person's fingerprints, photograph
182 and physical description and other identification data, and all copies
183 and duplicates thereof, shall [.] be returned to such person not later
184 than sixty days after the finding of not guilty or after such dismissal or
185 in the case of a nolle within sixty days after thirteen months of such
186 nolle.

187 Sec. 4. Subsection (a) of section 29-161f of the 2008 supplement to
188 the general statutes is repealed and the following is substituted in lieu
189 thereof (*Effective from passage*):

190 (a) No private security service shall operate on the waters of the
191 state [.] without receiving prior legislative and executive approval of
192 such operation in accordance with this section.

193 Sec. 5. Subsection (c) of section 29-232 of the 2008 supplement to the
194 general statutes is repealed and the following is substituted in lieu
195 thereof (*Effective from passage*):

196 (c) Any person aggrieved by any decision of the State Building
197 Inspector or the State Building Inspector's designee pursuant to
198 subsection (b) of this section may appeal to the Commissioner of
199 Public Safety or [such] said commissioner's designee not later than
200 thirty days after receipt of the notice of such decision. Any person

201 aggrieved by any ruling of [such] said commissioner or designee may
 202 appeal therefrom to the Superior Court in accordance with section 4-
 203 183.

204 Sec. 6. Section 29-303 of the 2008 supplement to the general statutes
 205 is repealed and the following is substituted in lieu thereof (*Effective*
 206 *from passage*):

207 The fire chief or local fire marshal with jurisdiction over a town,
 208 city, borough or fire district [,] where a fire, [or] explosion or other fire
 209 emergency occurs shall furnish the State Fire Marshal a report of all the
 210 facts relating to its cause, its origin, the kind, the estimated value and
 211 ownership of the property damaged or destroyed, and such other
 212 information as called for by the State Fire Marshal on forms furnished
 213 by the State Fire Marshal, or in an electronic format prescribed by the
 214 State Fire Marshal. The fire chief or fire marshal may also submit
 215 reports regarding other significant fire department response to such
 216 fire or explosion, and such reports may be filed monthly but
 217 commencing January 1, 2008, such reports shall be filed not less than
 218 quarterly.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	28-22a
Sec. 2	<i>from passage</i>	29-6c(a)(1)
Sec. 3	<i>from passage</i>	29-15(a)(1)
Sec. 4	<i>from passage</i>	29-161f(a)
Sec. 5	<i>from passage</i>	29-232(c)
Sec. 6	<i>from passage</i>	29-303

PS *Joint Favorable*

TRA *Joint Favorable*